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Technology Center 2100

In re Application of: Clavier, et al.)
Application No. 09/830,685) **DECISION ON PETITION TO**
Attorney Docket No. 032326-138) **WITHDRAW HOLDING OF**
Filed: July 17, 2001) **ABANDONMENT UNDER 37 CFR**
For: COUNTERMEASURE METHOD IN) **§1.181**
AN ELECTRONIC COMPONENT USING A)
SECRET KEY CRYPTOGRAPHIC)
ALGORITHM)

This is a decision on the petition, filed September 9, 2005, requesting the restart of the response period due to non-receipt of Office action, which is being treated as a Petition to Withdraw the Holding of Abandonment of the above-identified application, under 37 CFR §1.181. Although a Notice of Abandonment has not yet been mailed, the instant application went abandoned for failure to respond to the Office action (non-final) mailed January 6, 2005 upon expiration of the six month statutory period which expired on July 6, 2005.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

- 1) a statement from practitioner that the Office action was not received,
- 2) a statement from practitioner that the file jacket and docket records were searched,
- 3) a copy of the docket record at the address of record, and
- 4) a reference to the docket record in the practitioner's statement.

In support of the petition, applicants' representative provides a statement that the Office action was not received and that a search of the file jacket and document records has been performed. Finally, Petitioner makes reference to the docket record provided in the instant petition.

Petitioner has established non-receipt of the Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to restore the instant application to pending status, before **REDATING** and **REMAILING** the non-final Office action (originally mailed January 6, 2005) to the applicant.

Brian L. Johnson
Special Programs Examiner
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